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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,857	06/26/2000	William A. Skinner	FTI "AG"	4206

7590

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EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

021603,857

Applicant(s)

Skinner et al

Examiner

Blount

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/15/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) 9-20 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6
- ☒ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a work member and a bushing, classified in class 277.
- II. Claims 9-11, drawn to a method of inserting a bushing into a work member, classified in class 29, subclass 522.1.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus can be made by a process which does not require that the tubular section have an end portion that projects axially outwardly beyond the second side of the work member.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Barnard on 2/28/02 a provisional election was made without traverse to prosecute the invention of the product, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-11 are withdrawn

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from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Objections

6. Claim 3 is objected to because of the following informalities: in line 5, it appears that applicant meant to say "that is connected". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 4,699,212 to Andersson et al.

With regard to claim 1, Andersson et al teach a "bushing" inserted into work member 40 wherein the tubular center portion has first and second flanges in contact with the first and second

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sides of the work member, and further wherein the tubular portion is radially expanded in the cylindrical opening so as to make a tight interference fit within the opening.

With regard to claim 2, note the rejection above, and further note that the tubing is continuous, and the first and second flanges are radial members.

8. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 2,700,172 to Rohe.

With regard to claim 1, Rohe teaches a bushing with with tubular center portion 13/28 (see figure 2) and first and second radial flanges as shown.

With regard to claim 3, note that Rohe teaches first and second parts 14 and 16 in the workpiece 11 (see figure 2).

With regard to claim 4, note that parts 14 and 16 are contiguous

With regard to claim 5, the tubular members extend into and partially through the openings in the work members. See figure 2.

With regard to claim 6, the tubular members are coaxial and have outer surfaces that make a tight interference fit with the opening in the work member.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,949,535 to King.

With regard to claims 1-2, King, Jr. teaches the invention, including first and second radial flanges, but does not teach a complete flange on one of the ends (20). The fact that one of the ends (15) teaches a "complete" flange would have suggested the design modification of forming a second such flange on the other end, and it would have been obvious to one of ordinary skill in the art at the time of the invention in view of the noted design modification to have formed this second flange by enlarging the radius of the said second flange in order to provide a tight grip for the bushing in the workpiece.

11. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 2,700,172 to Rohe in view of U.S. patent 5,129,253 to Austin.

With regard to claims 7-8, Rohe teaches the invention as described above, but does not teach having a third tubular member surround the first and second tubular members. This is taught in Austin. See member H (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the first and second tubular members of Rohe with a surrounding third tubular member, in light of the teachings of Austin, in order to provide a means for securing the tubular members to the workpiece securely and in a manner that does not damage the tubular members.

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Contact Information

12. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 872-9302 (responses before final) and 703-872-9303 (responses after final). Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday.

13. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.

SB

3/7/02


S. THOMAS HUGHES
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